S & L Vitamins, Inc. v. Australian Gold, Inc. Doc. 22 Att. 1

Int. Cl.: 3

Prior U.S. Cl.: 51

Reg. No. 1,637,325

United States Patent and Trademark Office

Registered Mar. 12, 1991

Int. Cl.: 3

Prior U.S. Cl.: 51

Reg. No. 1,637,325
Registered Mar. 12, 1991
OG Date Oct. 6, 1992

United States Patent and Trademark Office
Amended

TRADEMARK
PRINCIPAL REGISTER

AUSTRALIAN GOLD

ETS, INC. (INDIANA CORPORATION) 5811 WEST MINNESOTA STREET INDIANAPOLIS, IN 46241, BY CHANGE OF NAME FROM AMERICAN TANNING SYSTEMS, INC. (INDIANA CORPORATION) INDIANAPOLIS, IN

OWNER OF U.S. REG. NO. 1,046,627.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "AUSTRALIAN", APART FROM THE MARK AS SHOWN.

FOR: SKIN CARE PREPARATIONS, NAMELY SUNTANNING AND MOISTURIZING CREAMS AND LOTIONS, IN CLASS 3 (U.S. CL. 51).

FIRST USE 10-10-1988; IN COMMERCE 10-10-1988.

SER. NO. 73-799,225, FILED 5-11-1989.

In testimony whereof I have hereunto set my hand and caused the seal of The Patent and Trademark Office to be affixed on Oct. 6, 1992.

COMMISSIONER OF PATENTS AND TRADEMARKS

EXHIBIT A

Dockets.Justia.com

Int. Cl.: 3

Prior U.S. Cl.: 51

United States Patent Office

Reg. No. 1,046,627
Registered Aug. 24, 1976

TRADEMARK

Int. Cl.: 3

Prior U.S. Cl.: 51

United States Patent and Trademark Office

New Cert.

Reg. No. 1,046,627
Registered Aug. 24, 1976
OG Date Oct. 27, 1992

CLASS 3 (U.S.

.2, 1975; in com-

TRADEMARK
PRINCIPAL REGISTER
REGISTRATION ASSIGNED

AUSTRALIAN GOLD

ETS, INC. (INDIANA CORPORATION) 5811 WEST MINNESOTA STREET INDIANAPOLIS, IN 46241, ASSIGNEE BY ASSIGNMENT, ASSIGNMENT AND CHANGE OF NAME FROM DAGAR PRODUCTS, INC. (ILLINOIS CORPORATION) CHICAGO, IL

FOR: SUN-SCREEN LOTION, IN CLASS 3 (U.S. CL. 51).

FIRST USE 12-12-1975; IN COMMERCE 12-12-1975.

SER. NO. 73-075,785, FILED 1-30-1976.

In testimony whereof I have hereunto set my hand and caused the seal of The Patent and Trademark Office to be affixed on Oct. 27, 1992.

Webb, Stacy

From: PrinTEAS@uspto.gov
Sent: Friday, April 09, 2004 10:20 AM
To: Faucett, Homer
Cc: teas@uspto.gov
Subject: Trademark Application Serial No. 78399259 Received

<MARK> ALMOST FAMOUS (standard characters)

The mark is presented in standard characters without claim to any particular font style, size or color.

We have received your application and assigned serial number '78399259' to your submission. The summary of the application data below serves as your official filing receipt. For electronically-submitted applications, the USPTO will no longer mail a paper filing receipt. If the USPTO later determines that no filing date was justified, your submission will be returned, and your filing fee will be refunded. You could then, if possible, cure the deficiency, and re-file the application.

If you determine that you made an error in the information you entered, you may file a preliminary amendment electronically, stating your proposed correction, at http://eteas.uspto.gov/V2.0/pa240/WIZARD.htm.
NOTE: You cannot file a Preliminary Amendment until at least 30 days after initial filing of the application. Prior to that time, the serial number will not appear in the USPTO database (even though the number was assigned at the time of filing), preventing the uploading of new data.

The examining attorney will determine whether the change proposed in the amendment is permissible, within the normal course of his or her review of the application. Please note that not all errors may be corrected; for example, if you submitted the wrong mark or the incorrect goods and/or services, if the proposed correction would be considered a material alteration to your original filing, this will NOT be accepted. Unfortunately, your only recourse in that event is to re-file - your fee would NOT be refunded. Once you submit an application, either electronically or through the mail, we will not cancel the filing or refund your fee, unless the application fails to satisfy minimum filing requirements. The fee is a processing fee, which we do not refund even if we cannot issue a registration after our substantive review.

In approximately 6 months, you will hear from the assigned examining attorney.

NOTE: If you have a question, comment or technical concern about your specific application or TEAS in general, please send that question to PrinTEAS@uspto.gov. NOTE: To check status information, please use either http://tarr.uspto.gov, or call 703-305-8747 (M-F, 6:30 a.m. to 12 midnight, EST). However, do NOT attempt to check status until at least 45 days after submission, to allow sufficient time for our databases to be updated.

The applicant, First Line, Inc., a corporation of Indiana, residing at Box 82001, One American Square, Indianapolis, IN USA 46282-0002, requests registration of the trademark/service mark shown on the drawing page in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

* Classification and Listing of Goods/Services:

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class _______: sun tanning, sunless tanning and moisturizing creams, lotions and oils

*Correspondence Information

The applicant hereby appoints Homer W. Faucett, III and Applicant/Owner hereby appoints Jay G. Taylor, John F. Prescott, Jr., Doreen J. Gridley, Richard A. Schnurr, Anthony Nimmo, Russell E. Fowler II, Michael A. Swift, Angela M. Fifelski, Thomas A. Walsh, Rachel L. Saint Peter, Alexander D. Forman, Dustin S. DuBois, Homer W. Faucett III, and Jill Tabor Powlick, all of the law firm of Ice Miller, to prosecute this application to registration, to transact all business in the Patent and Trademark Office in connection therewith, and to receive the certificate of registration. of Ice Miller, Box 82001, One American Square, Indianapolis, IN USA 46282-0002 to submit this application on behalf ofthe applicant. The attorney docket/reference number is T02777-US-00 (20486.0001).

* Fees

A fee payment in the amount of $335 will be submitted with the application, representing payment for 1 class(es).

*Declaration Signature

Signature:/Homer Faucett/ Date: 04/09/2004
Signatory's Name: Homer W. Faucett, III
Signatory's Position: Attorney

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==================TEAS XML APPLICATION======================

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<fax>(317)592-4819</fax>
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Document Description: **Trademark Application**
Mail / Create Date: **09-Apr-2004**

You are currently on page [ ] of [ ]

PTO Form 1478 (Rev 4/98)
OMB Control #0651-0009 (Exp. 06/30/2005)

Trademark/Service Mark Application, Principal Register

Serial Number: 78399376
Filing Date: 04/09/2004

The table below presents the data as entered.

Input Field	Entered
MARK SECTION	
MARK	AUSTRALIAN GOLD BEARLY LEGAL
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	AUSTRALIAN GOLD BEARLY LEGAL
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
OWNER SECTION	
NAME	Australian Gold, Inc.
STREET	6270 Corporate Drive
CITY	Indianapolis
STATE	IN
ZIP/POSTAL CODE	46278
COUNTRY	USA
EMAIL	cjm@uspatent.com
AUTHORIZED EMAIL COMMUNICATION	Yes
LEGAL ENTITY SECTION	

TYPE	CORPORATION
STATE/COUNTRY OF INCORPORATION	Indiana
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	003
DESCRIPTION	Indoor and outdoor tanning preparations.
FILING BASIS	Section 1(b)
ADDITIONAL STATEMENTS SECTION	
PRIOR REGISTRATION(S)	Applicant claims ownership of U.S. Registration Number(s) 1046627, 1637325, 1807592, and others.
SIGNATURE SECTION	
SIGNATURE	/Charles J. Meyer/
SIGNATORY NAME	Charles J. Meyer
SIGNATORY DATE	04/09/2004
SIGNATORY POSITION	Attorney for Applicant
PAYMENT SECTION	
NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	335
TOTAL AMOUNT	335
ATTORNEY	
NAME	Charles J. Meyer
FIRM NAME	Woodard, Emhardt, Moriarty, McNett & Henry, LLP
STREET	111 Monument Circle, Suite 3700
CITY	Indianapolis
STATE	IN
ZIP/POSTAL CODE	46204-5137

COUNTRY	USA
PHONE	(317) 634-3456
FAX	(317) 637-7561
EMAIL	cjm@uspatent.com
AUTHORIZED EMAIL COMMUNICATION	Yes
ATTORNEY DOCKET NUMBER	8183-635
OTHER APPOINTED ATTORNEY(S)	C. David Emhardt 18,483; Joseph A. Naughton 19,814; John V. Moriarty 26,207; John C. McNett 25,533; Thomas Q. Henry 28,309; James M. Durlacher 28,840; Charles R. Reeves 28,750; Vincent O. Wagner 29,596; Steve Zlatos 30,123; Spiro Bereveskos 30,821; Clifford W. Browning 32,201; R. Randall Frisk 32,221; Daniel J. Lueders 32,581; Kenneth A. Gandy 33,386; Timothy N. Thomas 35,714; Kurt N. Jones 37,996; John H. Allie 39,088; Holiday W. Banta 40,311; Troy J. Cole 35,102; L. Scott Paynter 39,797; Charles J. Meyer 41,996; Matthew R. Schantz 40,800; Gregory B. Coy 40,967; Lisa A. Hiday 40,036; John V. Daniluck 40,581; Christopher A. Brown 41,642; Arthur J. Usher IV 41,359; Douglas A. Collier 43,556; Brad A. Schepers 45,431; Scott J. Stevens 29,446; James B. Myers 42,021; John M. Bradshaw 46,573; Quentin G. Cantrell 47,469; Charles P. Schmal 45,082; David E. Novak 50,752; Edward E. Sowers 36,015; Jason A. Houdek 54,620; John L. Roberts 50,453; Denise M. Gosnell 51,748; John J. Emanuele 51,653; Michael S. Wherry P53,764; Michael C. Bartol 44,025
CORRESPONDENCE SECTION	
NAME	Charles J. Meyer
FIRM NAME	Woodard, Emhardt, Moriarty, McNett & Henry, LLP
STREET	111 Monument Circle, Suite 3700
CITY	Indianapolis
STATE	IN

ZIP/POSTAL CODE	46204-5137
COUNTRY	USA
PHONE	(317) 634-3456
FAX	(317) 637-7561
EMAIL	cjm@uspatent.com
AUTHORIZED EMAIL COMMUNICATION	Yes
FILING INFORMATION	
SUBMIT DATE	Fri Apr 09 13:04:47 EDT 2004
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PTO Form 1478 (Rev 4/98)
OMB Control #0651-0009 (Exp. 06/30/2005)

Trademark/Service Mark Application, Principal Register

Serial Number: 78399376
Filing Date: 04/09/2004

To the Commissioner for Trademarks:

MARK: (Standard Characters, see mark)

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The literal element of the mark consists of AUSTRALIAN GOLD BEARLY LEGAL.

The applicant, Australian Gold, Inc., a corporation of Indiana, residing at 6270 Corporate Drive, Indianapolis, IN, USA, 46278, requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 003: Indoor and outdoor tanning preparations.

Applicant claims ownership of U.S. Registration Number(s) 1046627, 1637325, 1807592, and others.

The applicant hereby appoints Charles J. Meyer and C. David Emhardt 18,483; Joseph A. Naughton 19,814; John V. Moriarty 26,207; John C. McNett 25,533; Thomas Q. Henry 28,309; James M. Durlacher 28,840; Charles R. Reeves 28,750; Vincent O. Wagner 29,596; Steve Zlatos 30,123; Spiro Bereveskos 30,821; Clifford W. Browning 32,201; R. Randall Frisk 32,221; Daniel J. Lueders 32,581; Kenneth A. Gandy 33,386; Timothy N. Thomas

35,714; Kurt N. Jones 37,996; John H. Allie 39,088; Holiday W. Banta 40,311; Troy J. Cole 35,102; L. Scott Paynter 39,797; Charles J. Meyer 41,996; Matthew R. Schantz 40,800; Gregory B. Coy 40,967; Lisa A. Hiday 40,036; John V. Daniluck 40,581; Christopher A. Brown 41,642; Arthur J. Usher IV 41,359; Douglas A. Collier 43,556; Brad A. Schepers 45,431; Scott J. Stevens 29,446; James B. Myers 42,021; John M. Bradshaw 46,573; Quentin G. Cantrell 47,469; Charles P. Schmal 45,082; David E. Novak 50,752; Edward E. Sowers 36,015; Jason A. Houdek 54,620; John L. Roberts 50,453; Denise M. Gosnell 51,748; John J. Emanuele 51,653; Michael S. Wherry P53,764; Michael C. Bartol 44,025 of Woodard, Emhardt, Moriarty, McNett & Henry, LLP111 Monument Circle, Suite 3700, Indianapolis, IN, USA, 46204-5137 to submit this application on behalf of the applicant. The attorney docket/reference number is 8183-635.

The USPTO is authorized to communicate with the applicant or its representative at the following email address: cjm@uspatent.com.

A fee payment in the amount of $335 will be submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Charles J. Meyer/ Date: 04/09/2004
Signatory's Name: Charles J. Meyer
Signatory's Position: Attorney for Applicant

Mailing Address:
Charles J. Meyer
111 Monument Circle, Suite 3700
Indianapolis, IN 46204-5137

RAM Sale Number: 1096
RAM Accounting Date: 04/09/2004

Serial Number: 78399376
Internet Transmission Date: Fri Apr 09 13:04:47 EDT 2004
TEAS Stamp: USPTO/BAS-206532382-20040409130447102243
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- *Call the Trademark Assistance Center at 571.272.9250 for help on trademark matters.*
- *Send questions about USPTO programs to the USPTO Contact Center (UCC).*
- *If you have technical difficulties or problems with this application, please e-mail them to Electronic Business Support Electronic Applications or call 1 800-786-9199.*

Document Description: **Trademark Application**
Mail / Create Date: **09-Apr-2004**

You are currently on page of

PTO Form 1478 (Rev 4/98)
OMB Control #0651-0009 (Exp. 06/30/2005)

Trademark/Service Mark Application, Principal Register

Serial Number: 78399314
Filing Date: 04/09/2004

The table below presents the data as entered.

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MARK SECTION	
MARK	AUSTRALIAN GOLD FREE SPIRIT
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	AUSTRALIAN GOLD FREE SPIRIT
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
OWNER SECTION	
NAME	Australian Gold, Inc.
STREET	6270 Corporate Drive
CITY	Indianapolis
STATE	IN
ZIP/POSTAL CODE	46278
COUNTRY	USA
EMAIL	cjm@uspatent.com
AUTHORIZED EMAIL COMMUNICATION	Yes
LEGAL ENTITY SECTION	

TYPE	CORPORATION
STATE/COUNTRY OF INCORPORATION	Indiana
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	003
DESCRIPTION	Indoor and outdoor tanning preparations.
FILING BASIS	Section 1(b)
ADDITIONAL STATEMENTS SECTION	
PRIOR REGISTRATION(S)	Applicant claims ownership of U.S. Registration Number(s) 1807592, 1637325, 1046627, and others.
SIGNATURE SECTION	
SIGNATURE	/Charles J. Meyer/
SIGNATORY NAME	Charles J. Meyer
SIGNATORY DATE	04/09/2004
SIGNATORY POSITION	Attorney for Applicant
PAYMENT SECTION	
NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	335
TOTAL AMOUNT	335
ATTORNEY	
NAME	Charles J. Meyer
FIRM NAME	Woodard, Emhardt, Moriarty, McNett & Henry, LLP
STREET	111 Monument Circle, Suite 3700
CITY	Indianapolis
STATE	IN
ZIP/POSTAL CODE	46204-5137

COUNTRY	USA
PHONE	(317) 634-3456
FAX	(317) 637-7561
EMAIL	cjm@uspatent.com
AUTHORIZED EMAIL COMMUNICATION	Yes
ATTORNEY DOCKET NUMBER	8183-634
OTHER APPOINTED ATTORNEY(S)	C. David Emhardt 18,483; Joseph A. Naughton 19,814; John V. Moriarty 26,207; John C. McNett 25,533; Thomas Q. Henry 28,309; James M. Durlacher 28,840; Charles R. Reeves 28,750; Vincent O. Wagner 29,596; Steve Zlatos 30,123; Spiro Bereveskos 30,821; Clifford W. Browning 32,201; R. Randall Frisk 32,221; Daniel J. Lueders 32,581; Kenneth A. Gandy 33,386; Timothy N. Thomas 35,714; Kurt N. Jones 37,996; John H. Allie 39,088; Holiday W. Banta 40,311; Troy J. Cole 35,102; L. Scott Paynter 39,797; Charles J. Meyer 41,996; Matthew R. Schantz 40,800; Gregory B. Coy 40,967; Lisa A. Hiday 40,036; John V. Daniluck 40,581; Christopher A. Brown 41,642; Arthur J. Usher IV 41,359; Douglas A. Collier 43,556; Brad A. Schepers 45,431; Scott J. Stevens 29,446; James B. Myers 42,021; John M. Bradshaw 46,573; Quentin G. Cantrell 47,469; Charles P. Schmal 45,082; David E. Novak 50,752; Edward E. Sowers 36,015; Jason A. Houdek 54,620; John L. Roberts 50,453; Denise M. Gosnell 51,748; John J. Emanuele 51,653; Michael S. Wherry P53,764; Michael C. Bartol 44,025
CORRESPONDENCE SECTION	
NAME	Charles J. Meyer
FIRM NAME	Woodard, Emhardt, Moriarty, McNett & Henry, LLP
STREET	111 Monument Circle, Suite 3700
CITY	Indianapolis
STATE	IN

ZIP/POSTAL CODE	46204-5137
COUNTRY	USA
PHONE	(317) 634-3456
FAX	(317) 637-7561
EMAIL	cjm@uspatent.com
AUTHORIZED EMAIL COMMUNICATION	Yes
FILING INFORMATION	
SUBMIT DATE	Fri Apr 09 12:00:27 EDT 2004
TEAS STAMP	USPTO/BAS-206532382-20040409120027861177-78399314-2004c4dbad9d03ab462c261643a83456855-DA-998-20040409112759909778

PTO Form 1478 (Rev 4/98)
OMB Control #0651-0009 (Exp. 06/30/2005)

Trademark/Service Mark Application, Principal Register

Serial Number: 78399314
Filing Date: 04/09/2004

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Applicant claims ownership of U.S. Registration Number(s) 1807592, 1637325, 1046627, and others.

The applicant hereby appoints Charles J. Meyer and C. David Emhardt 18,483; Joseph A. Naughton 19,814; John V. Moriarty 26,207; John C. McNett 25,533; Thomas Q. Henry 28,309; James M. Durlacher 28,840; Charles R. Reeves 28,750; Vincent O. Wagner 29,596; Steve Zlatos 30,123; Spiro Bereveskos 30,821; Clifford W. Browning 32,201; R. Randall Frisk 32,221; Daniel J. Lueders 32,581; Kenneth A. Gandy 33,386; Timothy N. Thomas

35,714; Kurt N. Jones 37,996; John H. Allie 39,088; Holiday W. Banta 40,311; Troy J. Cole 35,102; L. Scott Paynter 39,797; Charles J. Meyer 41,996; Matthew R. Schantz 40,800; Gregory B. Coy 40,967; Lisa A. Hiday 40,036; John V. Daniluck 40,581; Christopher A. Brown 41,642; Arthur J. Usher IV 41,359; Douglas A. Collier 43,556; Brad A. Schepers 45,431; Scott J. Stevens 29,446; James B. Myers 42,021; John M. Bradshaw 46,573; Quentin G. Cantrell 47,469; Charles P. Schmal 45,082; David E. Novak 50,752; Edward E. Sowers 36,015; Jason A. Houdek 54,620; John L. Roberts 50,453; Denise M. Gosnell 51,748; John J. Emanuele 51,653; Michael S. Wherry P53,764; Michael C. Bartol 44,025 of Woodard, Emhardt, Moriarty, McNett & Henry, LLP111 Monument Circle, Suite 3700, Indianapolis, IN, USA, 46204-5137 to submit this application on behalf of the applicant. The attorney docket/reference number is 8183-634.

The USPTO is authorized to communicate with the applicant or its representative at the following email address: cjm@uspatent.com.

A fee payment in the amount of $335 will be submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Charles J. Meyer/ Date: 04/09/2004
Signatory's Name: Charles J. Meyer
Signatory's Position: Attorney for Applicant

Mailing Address:
Charles J. Meyer
111 Monument Circle, Suite 3700
Indianapolis, IN 46204-5137

RAM Sale Number: 998
RAM Accounting Date: 04/09/2004

Serial Number: 78399314
Internet Transmission Date: Fri Apr 09 12:00:27 EDT 2004
TEAS Stamp: USPTO/BAS-206532382-20040409120027861177
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- *Send questions about USPTO programs to the USPTO Contact Center (UCC).*
- *If you have technical difficulties or problems with this application, please e-mail them to Electronic Business Support Electronic Applications or call 1 800-786-9199.*

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51, and 52

Reg. No. 2,805,539
Registered Jan. 13, 2004

United States Patent and Trademark Office

TRADEMARK
PRINCIPAL REGISTER

BEACH IN A BOTTLE

AUSTRALIAN GOLD, INC. (INDIANA CORPORATION)
6270 CORPORATE DRIVE
INDIANAPOLIS, IN 462782900

FOR: SUNTANNING PREPARATIONS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 4-3-2003; IN COMMERCE 4-3-2003.

SN 76-395,566, FILED 4-15-2002.

PAUL F. GAST, EXAMINING ATTORNEY

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51, and 52

Reg. No. 2,813,783

United States Patent and Trademark Office **Registered Feb. 10, 2004**

TRADEMARK
PRINCIPAL REGISTER

BLAZIN'

AUSTRALIAN GOLD, INC. (INDIANA CORPORATION)
6270 CORPORATE DRIVE
INDIANAPOLIS, IN 462782900

FOR: SUNTANNING PREPARATIONS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 11-8-2002; IN COMMERCE 11-8-2002.

OWNER OF U.S. REG. NO. 1,719,765.

SN 76-403,648, FILED 5-3-2002.

LINDA POWELL, EXAMINING ATTORNEY

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51, and 52

Reg. No. 2,751,259
Registered Aug. 12, 2003

United States Patent and Trademark Office

TRADEMARK
PRINCIPAL REGISTER

BRONZING FIRE GLAZE

AUSTRALIAN GOLD, INC. (INDIANA CORPORATION)
6270 CORPORATE DRIVE
INDIANAPOLIS, IN 462782900

FOR: SUNTANNING PREPARATIONS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 11-8-2002; IN COMMERCE 11-8-2002.

OWNER OF U.S. REG. NO. 2,541,714.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BRONZING", APART FROM THE MARK AS SHOWN.

SN 76-403,643, FILED 5-3-2002.

LINDA POWELL, EXAMINING ATTORNEY

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51, and 52

Reg. No. 2,615,956
Registered Sep. 3, 2002

United States Patent and Trademark Office

TRADEMARK
PRINCIPAL REGISTER

BROWNING FURY

ADVANCED TECHNOLOGY SYSTEMS, INC. (INDIANA CORPORATION)
6270 CORPORATE DRIVE
INDIANAPOLIS, IN 462782900

FOR: SUNTANNING PREPARATIONS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 11-4-2001; IN COMMERCE 11-4-2001.

OWNER OF U.S. REG. NOS. 2,458,350 AND 2,458,755.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BROWNING", APART FROM THE MARK AS SHOWN.

SN 76-222,469, FILED 3-9-2001.

PAUL F. GAST, EXAMINING ATTORNEY

Webb, Stacy

From: Faucett, Homer
Sent: Wednesday, May 05, 2004 2:35 PM
To: Webb, Stacy
Subject: FW: Trademark Application Serial No. 78411514 Received

Stacy,

Below is the confirmation number for the mark COLOROLOGY for First Line, Inc.

Homer W. Faucett, III
ICE MILLER
One American Square
Box 82001
Indianapolis, IN 46282-0002
Phone No.: (317) 236-2120
Fax No.: (317) 592-4819
homer.faucett@icemiller.com

-----Original Message-----
From: PrinTEAS@uspto.gov [mailto:PrinTEAS@uspto.gov]
Sent: Friday, April 30, 2004 4:10 PM
To: Faucett, Homer
Cc: teas@uspto.gov
Subject: Trademark Application Serial No. 78411514 Received

<MARK> COLOROLOGY (standard characters)

The mark is presented in standard characters without claim to any particular font style, size or color.

We have received your application and assigned serial number '78411514' to your submission. The summary of the application data below serves as your official filing receipt. For electronically-submitted applications, the USPTO will no longer mail a paper filing receipt. If the USPTO later determines that no filing date was justified, your submission will be returned, and your filing fee will be refunded. You could then, if possible, cure the deficiency, and re-file the application.

If you determine that you made an error in the information you entered, you may file a preliminary amendment electronically, stating your proposed correction, at http://eteas.uspto.gov/V2.0/pa240/WIZARD.htm.
NOTE: You cannot file a Preliminary Amendment until at least 30 days after initial filing of the application. Prior to that time, the serial number will not appear in the USPTO database (even though the number was assigned at the time of filing), preventing the uploading of new data.

The examining attorney will determine whether the change proposed in the amendment is permissible, within the normal course of his or her review of the application. Please note that not all errors may be corrected; for example, if you submitted the wrong mark or the incorrect goods and/or services, if the proposed correction would be considered a material alteration to your original filing, this will NOT be accepted. Unfortunately, your only recourse in that event is to re-file - your fee would NOT be refunded. Once you submit an application, either electronically or through the mail, we will not cancel the filing or refund your fee, unless the application fails to satisfy minimum filing requirements. The fee is a processing fee, which we do not refund even if we cannot issue a registration after our substantive review.

In approximately 6 months, you will hear from the assigned examining attorney.

NOTE: If you have a question, comment or technical concern about your specific application or TEAS in general, please send that question to PrinTEAS@uspto.gov. NOTE: To check status information, please use either http://tarr.uspto.gov, or call 703-305-8747 (M-F, 6:30 a.m. to 12 midnight, EST). However, do NOT attempt to check status until at least 45 days after submission, to allow sufficient time for our databases to be updated.

The applicant, First Line, Inc., a corporation of Indiana, residing at Box 82001, One American Square, Indianapolis, IN USA 46282-0002, requests registration of the trademark/service mark shown on the drawing page in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

* Classification and Listing of Goods/Services:

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 003: Sun tanning, sunless tanning and moisturizing creams, lotions and oils

*Correspondence Information

The applicant hereby appoints Homer W. Faucett, III and Angela M. Fifelski, Alexander D. Forman, Doreen J. Gridley, John F. Prescott, Jr., Rachel L. St. Peter, Michael A. Swift, Jay G. Taylor,Anthony Nimmo, Richard Schnurr, Thomas A. Walsh, and Dustin S. DuBois, ICE MILLER, One American Square, Box 82001, Indianapolis, Indiana 46282 to transact all business in the Patent and Trademark Office in connection with this application, and to receive the renewal certificates. of Ice Miller, Box 82001, One American Square, Indianapolis, IN USA 46282-0002 to submit this application on behalf ofthe applicant. The attorney docket/reference number is T02878-US-00 (20486.0001).

* Fees

A fee payment in the amount of $335 will be submitted with the application, representing payment for 1 class(es).

*Declaration Signature

Signature:/Homer Faucett/ Date: 04/30/2004
Signatory's Name: Homer W. Faucett, III
Signatory's Position: Attorney

==

===================TEAS XML APPLICATION======================

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<postal-code>46282-0002</postal-code>
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<state>IN</state> <postal-code>46282-0002</postal-code>
<country-name>USA</country-name>
<phone>(317) 236-2120</phone>
<fax>(317) 236-4819</fax>
<attorney-docket-number>T02878-US-00 (20486.0001)</attorney-docket-number>
<other-appointed-attorney>Angela M. Fifelski, Alexander D. Forman, Doreen J. Gridley, John F. Prescott, Jr., Rachel L. St. Peter, Michael A. Swift, Jay G. Taylor,Anthony Nimmo, Richard Schnurr, Thomas A. Walsh, and Dustin S. DuBois, ICE MILLER, One American Square, Box 82001, Indianapolis, Indiana 46282 to transact all business in the Patent and Trademark Office in connection with this application, and to receive the renewal certificates.</other-appointed-attorney>
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<name>Homer W. Faucett, III</name> <firm-name>Ice Miller</firm-name> <street>One American Square</street> <internal-address>Box 82001</internal-address> <city>Indianapolis</city>
<state>IN</state> <postal-code>46282-0002</postal-code>
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TEAS support team
Fri Apr 30 17:10:14 EDT 2004

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Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51, and 52

Reg. No. 2,743,410

United States Patent and Trademark Office

Registered July 29, 2003

TRADEMARK
PRINCIPAL REGISTER

DARK FIRE

AUSTRALIAN GOLD, INC. (INDIANA CORPORATION)
6270 CORPORATE DRIVE
INDIANAPOLIS, IN 462782900

FOR: SUNTANNING PREPARATIONS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 11-4-2001; IN COMMERCE 11-4-2001.

OWNER OF U.S. REG. NO. 2,400,938.

SN 76-222,271, FILED 3-9-2001.

LESLIE RICHARDS, EXAMINING ATTORNEY

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51, and 52

Reg. No. 2,811,554
Registered Feb. 3, 2004

United States Patent and Trademark Office

TRADEMARK
PRINCIPAL REGISTER

DOUBLE DIP ICED CREME

AUSTRALIAN GOLD, INC. (INDIANA CORPORATION)
6270 CORPORATE DRIVE
INDIANAPOLIS, IN 462782900

FOR: SUN TANNING PREPARATIONS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 11-8-2002; IN COMMERCE 11-8-2002.

SN 76-459,519, FILED 10-21-2002.

PAM WILLIS, EXAMINING ATTORNEY

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51, and 52

Reg. No. 2,333,831

United States Patent and Trademark Office

Registered Mar. 21, 2000

TRADEMARK
PRINCIPAL REGISTER

ESPRESSO DARK TANNING MILK

AUSTRALIAN GOLD, INC. (INDIANA CORPORATION)
6270 CORPORATE DRIVE
INDIANAPOLIS, IN 462782900

FOR: SUN TANNING PREPARATIONS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 11-9-1998; IN COMMERCE 11-9-1998.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "DARK TANNING MILK", APART FROM THE MARK AS SHOWN.

SN 75-519,145, FILED 7-15-1998.

LYNN A. LUTHEY, EXAMINING ATTORNEY

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51 and 52

Reg. No. 2,273,959

United States Patent and Trademark Office Registered Aug. 31, 1999

TRADEMARK
PRINCIPAL REGISTER

FAST ACTION

AUSTRALIAN GOLD, INC. (INDIANA CORPORATION)
6270 CORPORATE DRIVE
INDIANAPOLIS, IN 462782900

FOR: SUNTANNING PREPARATIONS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 3-13-1998; IN COMMERCE 3-18-1998.

SER. NO. 75-462,180, FILED 4-6-1998.

LIZ KULICK, EXAMINING ATTORNEY

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51, and 52

Reg. No. 2,744,672
Registered July 29, 2003

United States Patent and Trademark Office

TRADEMARK
PRINCIPAL REGISTER

FAST BROWN

AUSTRALIAN GOLD, INC. (INDIANA CORPORATION)
6270 CORPORATE DRIVE
INDIANAPOLIS, IN 462782900

FOR: SUNTANNING PREPARATIONS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 11-8-2002; IN COMMERCE 11-8-2002.

SN 76-403,649, FILED 5-3-2002.

LINDA POWELL, EXAMINING ATTORNEY

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51, and 52

Reg. No. 2,541,714

United States Patent and Trademark Office

Registered Feb. 19, 2002

TRADEMARK
PRINCIPAL REGISTER

GOLDEN BRONZING GLAZE

AUSTRALIAN GOLD, INC. (INDIANA CORPORATION)
6270 CORPORATE DRIVE
INDIANAPOLIS, IN 462782900

FOR: SUNTANNING PREPARATIONS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 11-3-2000; IN COMMERCE 11-3-2000.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BRONZING GLAZE", APART FROM THE MARK AS SHOWN.

SN 76-105,012, FILED 8-8-2000.

ELLEN PERKINS, EXAMINING ATTORNEY

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51, and 52

Reg. No. 2,480,954

Registered Aug. 21, 2001

United States Patent and Trademark Office

TRADEMARK
PRINCIPAL REGISTER

GOLDEN GLAZE

AUSTRALIAN GOLD, INC. (INDIANA CORPORATION)
6270 CORPORATE DRIVE
INDIANAPOLIS, IN 462782900

FOR: SUNTANNING PREPARATIONS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 11-4-2000; IN COMMERCE 11-4-2000.

SN 76-034,492, FILED 4-25-2000.

GINNY ISAACSON, EXAMINING ATTORNEY

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51, and 52

Reg. No. 2,722,211
Registered June 3, 2003

United States Patent and Trademark Office

TRADEMARK
PRINCIPAL REGISTER

GOLDEN TINGLING GLAZE

AUSTRALIAN GOLD, INC. (INDIANA CORPORATION)
6270 CORPORATE DRIVE
INDIANAPOLIS, IN 462782900

FOR: SUNTANNING PREPARATIONS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 11-4-2001; IN COMMERCE 11-4-2001.

OWNER OF U.S. REG. NO. 2,480,954.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "TINGLING", APART FROM THE MARK AS SHOWN.

SN 76-251,573, FILED 5-4-2001.

PATRICIA HORRALL, EXAMINING ATTORNEY

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51, and 52

Reg. No. 1,961,084

United States Patent and Trademark Office

Registered Mar. 5, 1996

TRADEMARK
PRINCIPAL REGISTER

HOT!

ETS, INC. (INDIANA CORPORATION)
6270 CORPORATE DRIVE
INDIANAPOLIS, IN 462782900

FOR: SUNTANNING PREPARATIONS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 1-18-1995; IN COMMERCE 1-18-1995.

SN 74-557,326, FILED 8-4-1994.

HOPE SLONIM, EXAMINING ATTORNEY

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51, and 52

Reg. No. 2,373,618

United States Patent and Trademark Office

Registered Aug. 1, 2000

TRADEMARK
PRINCIPAL REGISTER

ICED CREME

AUSTRALIAN GOLD, INC. (INDIANA CORPORATION)
6270 CORPORATE DRIVE
INDIANAPOLIS, IN 462782900

FOR: SUNTANNING PREPARATIONS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 11-5-1999; IN COMMERCE 11-5-1999.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CREME", APART FROM THE MARK AS SHOWN.

SN 75-498,480, FILED 6-9-1998.

J. TINGLEY, EXAMINING ATTORNEY

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51, and 52

Reg. No. 2,856,626
Registered June 22, 2004

United States Patent and Trademark Office

TRADEMARK
PRINCIPAL REGISTER

INTIMIDATION

AUSTRALIAN GOLD, INC. (INDIANA CORPORATION)
6270 CORPORATE DRIVE
INDIANAPOLIS, IN 462782900

FOR: SUNTANNING PREPARATIONS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 11-9-2003; IN COMMERCE 11-9-2003.

SN 76-510,197, FILED 4-28-2003.

PAULA MAYS, EXAMINING ATTORNEY

Webb, Stacy

From: PrinTEAS@uspto.gov
Sent: Friday, April 09, 2004 9:40 AM
To: Faucett, Homer
Cc: teas@uspto.gov
Subject: Trademark Application Serial No. 78399205 Received

<MARK> My Passion (standard characters)

The mark is presented in standard characters without claim to any particular font style, size or color.

We have received your application and assigned serial number '78399205' to your submission. The summary of the application data below serves as your official filing receipt. For electronically-submitted applications, the USPTO will no longer mail a paper filing receipt. If the USPTO later determines that no filing date was justified, your submission will be returned, and your filing fee will be refunded. You could then, if possible, cure the deficiency, and re-file the application.

If you determine that you made an error in the information you entered, you may file a preliminary amendment electronically, stating your proposed correction, at http://eteas.uspto.gov/V2.0/pa240/WIZARD.htm.
NOTE: You cannot file a Preliminary Amendment until at least 30 days after initial filing of the application. Prior to that time, the serial number will not appear in the USPTO database (even though the number was assigned at the time of filing), preventing the uploading of new data.

The examining attorney will determine whether the change proposed in the amendment is permissible, within the normal course of his or her review of the application. Please note that not all errors may be corrected; for example, if you submitted the wrong mark or the incorrect goods and/or services, if the proposed correction would be considered a material alteration to your original filing, this will NOT be accepted. Unfortunately, your only recourse in that event is to re-file - your fee would NOT be refunded. Once you submit an application, either electronically or through the mail, we will not cancel the filing or refund your fee, unless the application fails to satisfy minimum filing requirements. The fee is a processing fee, which we do not refund even if we cannot issue a registration after our substantive review.

In approximately 6 months, you will hear from the assigned examining attorney.

NOTE: If you have a question, comment or technical concern about your specific application or TEAS in general, please send that question to PrinTEAS@uspto.gov. NOTE: To check status information, please use either http://tarr.uspto.gov, or call 703-305-8747 (M-F, 6:30 a.m. to 12 midnight, EST). However, do NOT attempt to check status until at least 45 days after submission, to allow sufficient time for our databases to be updated.

The applicant, First Line, Inc., a corporation of Indiana, residing at Box 82001, One American Square, Indianapolis, IN USA 46482-0002, requests registration of the trademark/service mark shown on the drawing page in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

* Classification and Listing of Goods/Services:

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class _______: sun tanning, sunless tanning and moisturizing creams, lotions and oils

*Correspondence Information

The applicant hereby appoints Homer W. Faucett, III and Applicant/Owner hereby appoints Jay G. Taylor, John F. Prescott, Jr., Doreen J. Gridley, Richard A. Schnurr, Anthony Nimmo, Russell E. Fowler II, Michael A. Swift, Angela M. Fifelski, Thomas A. Walsh, Rachel L. Saint Peter, Alexander D. Forman, Dustin S. DuBois, Homer W. Faucett III, and Jill Tabor Powlick, all of the law firm of Ice Miller, to prosecute this application to registration, to transact all business in the Patent and Trademark Office in connection therewith, and to receive the certificate of registration. of Ice Miller, Box 82001, One American Square, Indianapolis, IN USA 46282-0002 to submit this application on behalf ofthe applicant. The attorney docket/reference number is T02772-US-00 (20486.0001).

* Fees

A fee payment in the amount of $335 will be submitted with the application, representing payment for 1 class(es).

*Declaration Signature

Signature:/Homer Faucett/ Date: 04/09/2004
Signatory's Name: Homer W. Faucett, III
Signatory's Position: Attorney

===

==================TEAS XML APPLICATION======================

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TEAS support team
Fri Apr 09 10:39:36 EDT 2004

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Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51 and 52

Reg. No. 2,053,923

United States Patent and Trademark Office

Registered Apr. 22, 1997

TRADEMARK
PRINCIPAL REGISTER

POWER GEL

ETS, INC. (INDIANA CORPORATION)
6270 CORPORATE DRIVE
INDIANAPOLIS, IN 462782900

FOR: SUNTANNING PREPARATIONS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 1-1-1992; IN COMMERCE 1-1-1992.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GEL", APART FROM THE MARK AS SHOWN.

SER. NO. 74-679,078, FILED 5-23-1995.

NORMAN J. RICH, EXAMINING ATTORNEY

Webb, Stacy

From: PrinTEAS@uspto.gov
Sent: Friday, April 09, 2004 10:58 AM
To: Faucett, Homer
Cc: teas@uspto.gov
Subject: Trademark Application Serial No. 78399307 Received

<MARK> PROMISED (standard characters)

The mark is presented in standard characters without claim to any particular font style, size or color.

We have received your application and assigned serial number '78399307' to your submission. The summary of the application data below serves as your official filing receipt. For electronically-submitted applications, the USPTO will no longer mail a paper filing receipt. If the USPTO later determines that no filing date was justified, your submission will be returned, and your filing fee will be refunded. You could then, if possible, cure the deficiency, and re-file the application.

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* Fees

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*Declaration Signature

Signature:/Homer Faucett/ Date: 04/09/2004
Signatory's Name: Homer W. Faucett, III
Signatory's Position: Attorney

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07-21-2003
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #67

AUSTRALIAN GOLD, INC.
6270 Corporate Drive
Indianapolis, Indiana 46278-2900

Goods: Suntanning Preparations

SEIZE

Australian Gold, Inc.
Owner

By: Woodard, Emhardt, Moriarty, McNett & Henry LLP

U.S. Patent & TM Ofc/TM
76530953

76530953

TRADEMARK APPLICATION SERIAL NO. ____________

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

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PTO-1555
(5/87)

WOODARD, EMHARDT, MORIARTY, MCNETT & HENRY LLP

C. DAVID EMHARDT
JACK V. MORIARTY
JOHN C. MCNETT
THOMAS Q. HENRY
JAMES M. DURLACHER
CHARLES R. REEVES
VINCENT O. WAGNER
STEVE ZLATOS
SPIRO BEREVESKOS
CLIFFORD W. BROWNING
R. RANDALL FRISK
DANIEL J. LUEDERS
KENNETH A. GANDY

TIMOTHY N. THOMAS
KURT N. JONES
JOHN H. ALLIE
HOLIDAY W. BANTA
TROY J. COLE
L. SCOTT PAYNTER
CHARLES J. MEYER
MATTHEW R. SCHANTZ
GREGORY B. COY
LISA A. HIDAY
JOHN V. DANILUCK
CHRISTOPHER A. BROWN
ARTHUR J. USHER IV

PATENT AND TRADEMARK ATTORNEYS
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111 MONUMENT CIRCLE, SUITE 3700
INDIANAPOLIS, INDIANA 46204-5137
(317) 634-3456
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BRAD A. SCHEPERS
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JOHN M. BRADSHAW
QUENTIN G. CANTRELL
CHARLES P. SCHMAL
DAVID E. NOVAK
JASON A. HOUDEK
JOHN L. ROBERTS
DENISE M. GOSNELL
JOHN J. EMANUELE
MICHAEL S. WHERRY

JOSEPH A. NAUGHTON
SENIOR COUNSEL

SCOTT J. STEVENS
EDWARD E. SOWERS
MICHAEL C. BARTOL
OF COUNSEL

CHARLES P. JACOBS (1837-1892)
VIRGIL H. LOCKWOOD (1860-1932)
RALPH G. LOCKWOOD (1890-1957)
HAROLD R. WOODARD (1911-2003)

July 17, 2003

Assistant Commissioner for Trademarks
BOX NEW APP FEE
2900 Crystal Drive
Mail Center, 3rd Floor, Room 3B30
Arlington, Virginia 22202-3513

Re: Application for Federal Registration
Australian Gold, Inc.
SEIZE
Our Ref.: 8183-611

Dear Sir:

Please file the enclosed Application for Registration of SEIZE. Also enclosed is our check in the sum of $335.00 together with the drawing. Please charge any additional fee or credit any overpayment to Deposit Account No. 23-3030.

Respectfully submitted,

By *James M. Durlacher*
James M. Durlacher, Reg. No. 28,840
Woodard, Emhardt, Moriarty,
McNett & Henry LLP
Bank One Center/Tower
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204-5137
(317) 634-3456

8183-611.JMD.230664:ss
Enclosures

Federal Express Tracking No. 7914 4258 7187

Date of Deposit July 17, 2003

I hereby certify that this correspondence is being sent via FEDEX Priority Overnight Service on the date indicated above and is addressed to the Assistant Commissioner for Trademarks, **BOX NEW APP FEE**, 2900 Crystal Drive, Mail Center, 3rd Floor, Room 3B30, Arlington, VA 22202-3513

Sandra L Stig
Signature of person mailing paper or fee

8183-611.JMD.228738

APPLICATION FOR TRADEMARK REGISTRATION

Mark: SEIZE

International Class: 3

TO THE ASSISTANT COMMISSIONER FOR TRADEMARKS:

Australian Gold, Inc. a corporation of the State of Indiana, doing business at 6270 Corporate Drive, Indianapolis, Indiana 46278-2900 (hereinafter "Applicant"), has a bona fide intention to use the mark shown in the accompanying drawing in commerce on or in connection with *suntanning preparations* and requests that said mark be registered in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. §1051 et seq., as amended).

Applicant hereby appoints **James M. Durlacher, No. 28,840**; C. David Emhardt No. 18,483; Joseph A. Naughton No. 19,814; John V. Moriarty No. 26,207; John C. McNett No. 25,533; Thomas Q. Henry No. 28,309; Charles R. Reeves No. 28,750; Vincent O. Wagner No. 29,596; Steve Zlatos No. 30,123; Spiro Bereveskos No. 30,821; Clifford W. Browning No. 32,201; R. Randall Frisk No. 32,221; Daniel J. Lueders No. 32,581; Kenneth A. Gandy No. 33,386; Timothy N. Thomas No. 35,714; Kurt N. Jones No. 37,996; John H. Allie No. 39,088; Holiday W. Banta No. 40,311; Troy J. Cole No. 35,102; L. Scott Paynter No. 39,797; Charles J. Meyer No. 41,996; Matthew R. Schantz No. 40,800; Gregory B. Coy No. 40,967; Lisa A. Hiday No. 40,036; John V. Daniluck No. 40,581; Christopher A. Brown No. 41,642; Arthur J. Usher IV No. 41,359; Douglas A. Collier No. 43,556; Brad A. Schepers No. 45,431; Scott J. Stevens No. 29,446; James B. Myers No. 42,021; John M. Bradshaw No. 46,573; Quentin G. Cantrell No. 47,469;

Charles P. Schmal No. 45,082; David E. Novak, No. P-50,7562; Edward E. Sowers No. 36,015; John L. Roberts No. 50,453; Denise M. Gosnell, No. P-51,748; and John J. Emanuele, No. P-51,653, all of the same address and who are members of the Bar of the State of Indiana, constituting the firm of Woodard, Emhardt, Moriarty, McNett & Henry LLP, Bank One Center/Tower, 111 Monument Circle, Suite 3700, Indianapolis, Indiana 46204-5137, its attorneys herein, with full power of substitution and revocation, to transact all business in the Patent and Trademark Office and in the courts in connection therewith.

DECLARATION

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that she is properly authorized to execute this application on behalf of the Applicant; she believes the Applicant to be the owner of the mark sought to be registered, or, if the application is being filed under 15 U.S.C. 1051(b), she believes Applicant to be entitled to use such mark in commerce; to the best of her knowledge and belief no other person, firm, corporation, or association has the right to use the above identified mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods of such other person, to cause confusion, or to cause mistake, or to deceive; and all statements made of her own knowledge are true and all statements made on information and belief are believed to be true.

AUSTRALIAN GOLD, INC.

July 11, 2003
Date of Signature

By: [signature]
Leslie A. Hartlieb
Vice President of Marketing

Webb, Stacy

From: PrinTEAS@uspto.gov
Sent: Friday, April 09, 2004 10:26 AM
To: Faucett, Homer
Cc: teas@uspto.gov
Subject: Trademark Application Serial No. 78399267 Received

<MARK> SUN DREAMS (standard characters)

The mark is presented in standard characters without claim to any particular font style, size or color.

We have received your application and assigned serial number '78399267' to your submission. The summary of the application data below serves as your official filing receipt. For electronically-submitted applications, the USPTO will no longer mail a paper filing receipt. If the USPTO later determines that no filing date was justified, your submission will be returned, and your filing fee will be refunded. You could then, if possible, cure the deficiency, and re-file the application.

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The applicant, First Line, Inc., a corporation of Indiana, residing at Box 82001, One American Square, Indianapolis, IN USA 46282-0002, requests registration of the trademark/service mark shown on the drawing page in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

* Classification and Listing of Goods/Services:

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class _______: sun tanning, sunless tanning and moisturizing creams, lotions and oils

*Correspondence Information

The applicant hereby appoints Homer W. Faucett, III and Applicant/Owner hereby appoints Jay G. Taylor, John F. Prescott, Jr., Doreen J. Gridley, Richard A. Schnurr, Anthony Nimmo, Russell E. Fowler II, Michael A. Swift, Angela M. Fifelski, Thomas A. Walsh, Rachel L. Saint Peter, Alexander D. Forman, Dustin S. DuBois, Homer W. Faucett III, and Jill Tabor Powlick, all of the law firm of Ice Miller, to prosecute this application to registration, to transact all business in the Patent and Trademark Office in connection therewith, and to receive the certificate of registration. of Ice Miller, Box 82001, One American Square, Indianapolis, IN USA 46282-0002 to submit this application on behalf ofthe applicant. The attorney docket/reference number is T02778-US-00 (20486.0001).

* Fees

A fee payment in the amount of $335 will be submitted with the application, representing payment for 1 class(es).

*Declaration Signature

Signature:/Homer Faucett/ Date: 04/09/2004
Signatory's Name: Homer W. Faucett, III
Signatory's Position: Attorney

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===================TEAS XML APPLICATION======================

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Fri Apr 09 11:26:22 EDT 2004

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Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51, and 52

Reg. No. 2,594,734

United States Patent and Trademark Office **Registered July 16, 2002**

TRADEMARK
PRINCIPAL REGISTER

SUNSILK

AUSTRALIAN GOLD, INC. (INDIANA CORPORATION)
6270 CORPORATE DRIVE
INDIANAPOLIS, IN 462782900

FOR: SUNTANNING PREPARATIONS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 11-4-2001; IN COMMERCE 11-4-2001.

SN 75-668,262, FILED 3-26-1999.

J. TINGLEY, EXAMINING ATTORNEY

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51, and 52

Reg. No. 2,005,289

United States Patent and Trademark Office

Registered Oct. 1, 1996

TRADEMARK
PRINCIPAL REGISTER

THRUST

ETS, INC. (INDIANA CORPORATION)
6270 CORPORATE DRIVE
INDIANAPOLIS, IN 462782900

FOR: SUNTANNING PREPARATIONS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 1-31-1996; IN COMMERCE 1-31-1996.

SN 74-662,200, FILED 4-17-1995.

PAULA MAYS, EXAMINING ATTORNEY

Int. Cl.: 11

Prior U.S. Cls.: 13, 21, 23, 31, and 34

Reg. No. 2,077,849

United States Patent and Trademark Office

Registered July 8, 1997

TRADEMARK
PRINCIPAL REGISTER

VELOCITY

ETS, INC. (INDIANA CORPORATION)
6270 CORPORATE DRIVE
INDIANAPOLIS, IN 462782900

FOR: FLUORESCENT TANNING LAMPS, IN CLASS 11 (U.S. CLS. 13, 21, 23, 31 AND 34).

FIRST USE 1-14-1997; IN COMMERCE 1-14-1997.

SN 74-578,208, FILED 9-26-1994.

ALBERT ZERVAS, EXAMINING ATTORNEY

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51, and 52

Reg. No. 1,993,799

United States Patent and Trademark Office

Registered Aug. 13, 1996

TRADEMARK
PRINCIPAL REGISTER

WILD

ETS, INC. (INDIANA CORPORATION)
6270 CORPORATE DRIVE
INDIANAPOLIS, IN 462782900

FOR: SUNTANNING PREPARATIONS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 1-1-1994; IN COMMERCE 1-1-1994.

SN 74-466,740, FILED 11-30-1993.

PAUL F. GAST, EXAMINING ATTORNEY

Int. Cl.: 3

Prior U.S. Cl.: 51

Reg. No. 1,626,563

United States Patent and Trademark Office

Registered Dec. 11, 1990

TRADEMARK
PRINCIPAL REGISTER

CARIBBEAN GOLD

CONAIR CORPORATION (DELAWARE CORPORATION)
1 CUMMINGS POINT ROAD
STAMFORD, CT 06904

FOR: SUNTAN LOTION, IN CLASS 3 (U.S. CL. 51).

FIRST USE 4-16-1990; IN COMMERCE 4-16-1990.

SER. NO. 74-015,054, FILED 12-29-1989.

CARYN HINES, EXAMINING ATTORNEY

Document Description: **Trademark Application**
Mail / Create Date: **09-Apr-2004**

You are currently on page [ ] of [ ]

PTO Form 1478 (Rev 4/98)
OMB Control #0651-0009 (Exp. 06/30/2005)

Trademark/Service Mark Application, Principal Register

Serial Number: 78399374
Filing Date: 04/09/2004

The table below presents the data as entered.

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MARK SECTION	
MARK	CARIBBEAN GOLD SEX KITTEN
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	CARIBBEAN GOLD SEX KITTEN
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
OWNER SECTION	
NAME	Australian Gold, Inc.
STREET	6270 Corporate Drive
CITY	Indianapolis
STATE	IN
ZIP/POSTAL CODE	46278
COUNTRY	USA
EMAIL	cjm@uspatent.com
AUTHORIZED EMAIL COMMUNICATION	Yes

LEGAL ENTITY SECTION	
TYPE	CORPORATION
STATE/COUNTRY OF INCORPORATION	Indiana
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	003
DESCRIPTION	Indoor and outdoor tanning preparations.
FILING BASIS	Section 1(b)
ADDITIONAL STATEMENTS SECTION	
PRIOR REGISTRATION(S)	Applicant claims ownership of U.S. Registration Number(s) 1626563 and 2232308.
SIGNATURE SECTION	
SIGNATURE	/Charles J. Meyer/
SIGNATORY NAME	Charles J. Meyer
SIGNATORY DATE	04/09/2004
SIGNATORY POSITION	Attorney for Applicant
PAYMENT SECTION	
NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	335
TOTAL AMOUNT	335
ATTORNEY	
NAME	Charles J. Meyer
FIRM NAME	Woodard, Emhardt, Moriarty, McNett & Henry, LLP
STREET	111 Monument Circle, Suite 3700
CITY	Indianapolis
STATE	IN
ZIP/POSTAL CODE	46204-5137

COUNTRY	USA
PHONE	(317) 634-3456
FAX	(317) 637-7561
EMAIL	cjm@uspatent.com
AUTHORIZED EMAIL COMMUNICATION	Yes
ATTORNEY DOCKET NUMBER	8183-636
OTHER APPOINTED ATTORNEY(S)	C. David Emhardt 18,483; Joseph A. Naughton 19,814; John V. Moriarty 26,207; John C. McNett 25,533; Thomas Q. Henry 28,309; James M. Durlacher 28,840; Charles R. Reeves 28,750; Vincent O. Wagner 29,596; Steve Zlatos 30,123; Spiro Bereveskos 30,821; Clifford W. Browning 32,201; R. Randall Frisk 32,221; Daniel J. Lueders 32,581; Kenneth A. Gandy 33,386; Timothy N. Thomas 35,714; Kurt N. Jones 37,996; John H. Allie 39,088; Holiday W. Banta 40,311; Troy J. Cole 35,102; L. Scott Paynter 39,797; Charles J. Meyer 41,996; Matthew R. Schantz 40,800; Gregory B. Coy 40,967; Lisa A. Hiday 40,036; John V. Daniluck 40,581; Christopher A. Brown 41,642; Arthur J. Usher IV 41,359; Douglas A. Collier 43,556; Brad A. Schepers 45,431; Scott J. Stevens 29,446; James B. Myers 42,021; John M. Bradshaw 46,573; Quentin G. Cantrell 47,469; Charles P. Schmal 45,082; David E. Novak 50,752; Edward E. Sowers 36,015; Jason A. Houdek 54,620; John L. Roberts 50,453; Denise M. Gosnell 51,748; John J. Emanuele 51,653; Michael S. Wherry P53,764; Michael C. Bartol 44,025
CORRESPONDENCE SECTION	
NAME	Charles J. Meyer
FIRM NAME	Woodard, Emhardt, Moriarty, McNett & Henry, LLP
STREET	111 Monument Circle, Suite 3700
CITY	Indianapolis
STATE	IN

ZIP/POSTAL CODE	46204-5137
COUNTRY	USA
PHONE	(317) 634-3456
FAX	(317) 637-7561
EMAIL	cjm@uspatent.com
AUTHORIZED EMAIL COMMUNICATION	Yes
FILING INFORMATION	
SUBMIT DATE	Fri Apr 09 12:58:07 EDT 2004
TEAS STAMP	USPTO/BAS-206532382-20040409125807031236-78399374-200ab6b60c2a4eb9986b0a0b56c6e28179c-DA-1089-20040409121529094111

PTO Form 1478 (Rev 4/98)
OMB Control #0651-0009 (Exp. 06/30/2005)

Trademark/Service Mark Application, Principal Register

Serial Number: 78399374
Filing Date: 04/09/2004

To the Commissioner for Trademarks:

MARK: (Standard Characters, see mark)

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The literal element of the mark consists of CARIBBEAN GOLD SEX KITTEN.

The applicant, Australian Gold, Inc., a corporation of Indiana, residing at 6270 Corporate Drive, Indianapolis, IN, USA, 46278, requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 003: Indoor and outdoor tanning preparations.

Applicant claims ownership of U.S. Registration Number(s) 1626563 and 2232308.

The applicant hereby appoints Charles J. Meyer and C. David Emhardt 18,483; Joseph A. Naughton 19,814; John V. Moriarty 26,207; John C. McNett 25,533; Thomas Q. Henry 28,309; James M. Durlacher 28,840; Charles R. Reeves 28,750; Vincent O. Wagner 29,596; Steve Zlatos 30,123; Spiro Bereveskos 30,821; Clifford W. Browning 32,201; R. Randall Frisk 32,221; Daniel J. Lueders 32,581; Kenneth A. Gandy 33,386; Timothy N. Thomas

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The USPTO is authorized to communicate with the applicant or its representative at the following email address: cjm@uspatent.com.

A fee payment in the amount of $335 will be submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Charles J. Meyer/ Date: 04/09/2004
Signatory's Name: Charles J. Meyer
Signatory's Position: Attorney for Applicant

Mailing Address:
Charles J. Meyer
111 Monument Circle, Suite 3700
Indianapolis, IN 46204-5137

RAM Sale Number: 1089
RAM Accounting Date: 04/09/2004

Serial Number: 78399374
Internet Transmission Date: Fri Apr 09 12:58:07 EDT 2004
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- *Call the Trademark Assistance Center at 571.272.9250 for help on trademark matters.*
- *Send questions about USPTO programs to the USPTO Contact Center (UCC).*
- *If you have technical difficulties or problems with this application, please e-mail them to Electronic Business Support Electronic Applications or call 1 800-786-9199.*

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51, and 52

Reg. No. 2,776,653
Registered Oct. 21, 2003

United States Patent and Trademark Office

TRADEMARK
PRINCIPAL REGISTER

COLD HEARTED

AUSTRALIAN GOLD, INC. (INDIANA CORPORATION)
6270 CORPORATE DRIVE
INDIANAPOLIS, IN 462782900

FOR: SUNTANNING PREPARATIONS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 11-8-2002; IN COMMERCE 11-8-2002.

SN 76-403,644, FILED 5-3-2002.

LINDA POWELL, EXAMINING ATTORNEY

Webb, Stacy

From: PrinTEAS@uspto.gov
Sent: Friday, April 09, 2004 10:44 AM
To: Faucett, Homer
Cc: teas@uspto.gov
Subject: Trademark Application Serial No. 78399294 Received

<MARK> GLAMMIN' (standard characters)

The mark is presented in standard characters without claim to any particular font style, size or color.

We have received your application and assigned serial number '78399294' to your submission. The summary of the application data below serves as your official filing receipt. For electronically-submitted applications, the USPTO will no longer mail a paper filing receipt. If the USPTO later determines that no filing date was justified, your submission will be returned, and your filing fee will be refunded. You could then, if possible, cure the deficiency, and re-file the application.

If you determine that you made an error in the information you entered, you may file a preliminary amendment electronically, stating your proposed correction, at http://eteas.uspto.gov/V2.0/pa240/WIZARD.htm.
NOTE: You cannot file a Preliminary Amendment until at least 30 days after initial filing of the application. Prior to that time, the serial number will not appear in the USPTO database (even though the number was assigned at the time of filing), preventing the uploading of new data.

The examining attorney will determine whether the change proposed in the amendment is permissible, within the normal course of his or her review of the application. Please note that not all errors may be corrected; for example, if you submitted the wrong mark or the incorrect goods and/or services, if the proposed correction would be considered a material alteration to your original filing, this will NOT be accepted. Unfortunately, your only recourse in that event is to re-file - your fee would NOT be refunded. Once you submit an application, either electronically or through the mail, we will not cancel the filing or refund your fee, unless the application fails to satisfy minimum filing requirements. The fee is a processing fee, which we do not refund even if we cannot issue a registration after our substantive review.

In approximately 6 months, you will hear from the assigned examining attorney.

NOTE: If you have a question, comment or technical concern about your specific application or TEAS in general, please send that question to PrinTEAS@uspto.gov. NOTE: To check status information, please use either http://tarr.uspto.gov, or call 703-305-8747 (M-F, 6:30 a.m. to 12 midnight, EST). However, do NOT attempt to check status until at least 45 days after submission, to allow sufficient time for our databases to be updated.

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Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class _______: sun tanning, sunless tanning and moisturizing creams, lotions and oils

*Correspondence Information

The applicant hereby appoints Homer W. Faucett, III and Applicant/Owner hereby appoints Jay G. Taylor, John F. Prescott, Jr., Doreen J. Gridley, Richard A. Schnurr, Anthony Nimmo, Russell E. Fowler II, Michael A. Swift, Angela M. Fifelski, Thomas A. Walsh, Rachel L. Saint Peter, Alexander D. Forman, Dustin S. DuBois, Homer W. Faucett III, and Jill Tabor Powlick, all of the law firm of Ice Miller, to prosecute this application to registration, to transact all business in the Patent and Trademark Office in connection therewith, and to receive the certificate of registration. of Ice Miller, Box 82001, One American Square, Indianapolis, IN USA 46282-0002 to submit this application on behalf ofthe applicant. The attorney docket/reference number is T02780-US-00 (20486.0001).

* Fees

A fee payment in the amount of $335 will be submitted with the application, representing payment for 1 class(es).

*Declaration Signature

Signature:/Homer Faucett/ Date: 04/09/2004
Signatory's Name: Homer W. Faucett, III
Signatory's Position: Attorney

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===================TEAS XML APPLICATION======================

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<other-appointed-attorney>Applicant/Owner hereby appoints Jay G. Taylor, John F. Prescott, Jr., Doreen J. Gridley, Richard A. Schnurr, Anthony Nimmo, Russell E. Fowler II, Michael A. Swift, Angela M. Fifelski, Thomas A. Walsh, Rachel L. Saint Peter, Alexander D. Forman, Dustin S. DuBois, Homer W. Faucett III, and Jill Tabor Powlick, all of the law firm of Ice Miller, to prosecute this application to registration, to transact all business in the Patent and Trademark Office in connection therewith, and to receive the certificate of registration.</other-appointed-attorney>
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TEAS support team
Fri Apr 09 11:43:48 EDT 2004

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Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51 and 52

United States Patent and Trademark Office

Corrected

Reg. No. 2,856,628

Registered June 22, 2004

OG Date Apr. 26, 2005

TRADEMARK
PRINCIPAL REGISTER

JACKED UP!

AUSTRALIAN GOLD, INC. (INDIANA CORPORATION)
6270 CORPORATE DRIVE
INDIANAPOLIS, IN 462782900

FOR: SUNTANNING PREPARATIONS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 11-10-2003; IN COMMERCE 11-10-2003.

SER. NO. 76-511,760, FILED 5-6-2003.

In testimony whereof I have hereunto set my hand and caused the seal of The Patent and Trademark Office to be affixed on Apr. 26, 2005.

DIRECTOR OF THE U.S. PATENT AND TRADEMARK OFFICE

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51, and 52

Reg. No. 2,931,381

United States Patent and Trademark Office

Registered Mar. 8, 2005

TRADEMARK

PRINCIPAL REGISTER

MY BAD

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6270 CORPORATE DRIVE
INDIANAPOLIS, IN 462782900

FOR: SUNTANNING PREPARATIONS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 11-10-2003; IN COMMERCE 11-10-2003.

SN 76-510,196, FILED 4-28-2003.

PAULA MAYS, EXAMINING ATTORNEY

AUSTRALIAN GOLD, INC.
6270 Corporate Drive
Indianapolis, Indiana 46278-2900

Goods: Suntanning Preparations

05-03-2002
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #67

SEX POT

Australian Gold, Inc.
Owner

By: Woodard, Emhardt, Naughton, Moriarty & McNett

76403642

TRADEMARK APPLICATION SERIAL NO. 76403642

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

05/10/2002 MPETTY 00000057 76403642

01 FC:361 325.00 OP

PTO-1555
(5/87)

*U.S. Government Printing Office: 2000 — 466-232/29119

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May 3, 2002

Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513
BOX NEW APP FEE

Re: Application for Federal Registration
Australian Gold, Inc.
Our Ref.: 8183-540

Dear Sir:

Please file the enclosed Application for Registration of SEX POT. Also enclosed is our check in the sum of $325.00 together with the drawing. Please charge any additional fee or credit any overpayment to Deposit Account No. 23-3030.

Respectfully submitted,

By [signature]
Charles J. Meyer, Reg. No. 41,996
Woodard, Emhardt, Naughton, Moriarty
& McNett
Bank One Center/Tower
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204-5137
(317) 634-3456

8183-540:JMD:167696:ss
Enclosures

"Express Mail" label number

EV 056350135 US

May 3, 2002
(Date of Deposit)

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date indicated above and is addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Dr., Arlington, VA 22202-3513

[signature]
Signature of person mailing paper or fee

8183-540:#166946

APPLICATION FOR TRADEMARK REGISTRATION

Mark: SEX POT

International Class: 3

TO THE ASSISTANT COMMISSIONER FOR TRADEMARKS:

Australian Gold, Inc. a corporation of the State of Indiana, doing business at 6270 Corporate Drive, Indianapolis, Indiana 46278-2900 (hereinafter "Applicant"), has a bona fide intention to use the mark shown in the accompanying drawing in commerce on or in connection with *suntanning preparations* and requests that said mark be registered in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. §1051 et seq., as amended).

Applicant hereby appoints **James M. Durlacher, No. 28,840**; Harold R. Woodard No. 16,214; C. David Emhardt No. 18,483; Joseph A. Naughton No. 19,814; John V. Moriarty No. 26,207; John C. McNett No. 25,533; Thomas Q. Henry No. 28,309; Charles R. Reeves No. 28,750; Vincent O. Wagner No. 29,596; Steve Zlatos No. 30,123; Spiro Bereveskos No. 30,821; Clifford W. Browning No. 32,201; R. Randall Frisk No. 32,221; Daniel J. Lueders No. 32,581; Kenneth A. Gandy No. 33,386; Timothy N. Thomas No. 35,714; Kurt N. Jones No. 37,996; John H. Allie No. 39,088; Holiday W. Banta No. 40,311; Troy J. Cole No. 35,102; L. Scott Paynter No. 39,797; Charles J. Meyer No. 41,996; Matthew R. Schantz No. 40,800; Gregory B. Coy No. 40,967; Lisa A. Hiday No. 40,036; John V. Daniluck No. 40,581; Christopher A. Brown No. 41,642; Arthur J. Usher IV No. 41,359; Douglas A. Collier No. 43,556; Brad A. Schepers No. 45,431; Scott J. Stevens No. 29,446; James B. Myers No. 42,021; John M. Bradshaw No. 46,573; Quentin G. Cantrell No. 47,469; Charles P. Schmal No. 45,082; David E. Novak, No. P-